

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 10, 2003. In order to advance prosecution of this Application, Claims 1, 11, and 16 have been amended. Applicant respectfully requests reconsideration and favorable action in this case.

Claims 1-8 and 10-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hamdi in view of Smyk. Independent Claims 1 and 11 recite an ability to establish a call connection from a public switched telephone network user to an Internet Protocol network user by placing voice signals into data packets for transfer with signaling information received from a Class 5 softswitch. Independent Claim 16 recites an ability to receive signaling information in a message based signaling format and data packets carrying voice traffic at a gateway from an Internet Protocol network to establish a call connection from an Internet Protocol network user to a public switched telephone network user and provide signaling information to a Class 5 softswitch. By contrast, the Examiner readily admits that the Hamdi article fails to disclose a Class 5 softswitch. The Examiner supports the disclosure of a Class 5 softswitch through use of the Smyk application. However, the Smyk application discloses an end office Class 5 switch and not a Class 5 softswitch as required by the claimed invention. Moreover, the Smyk publication cannot support establishing a call connection from the signaling information at a gateway as it needs a service manager to establish the call connection for its gateways. Support for the above recitation can be found at page 9, lines 17-33. Therefore, Applicant respectfully submits that Claims 1-8 and 10-20 are patentably distinct from the proposed Hamdi - Smyk combination.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hamdi in view of Smyk and further in view of Christie. Independent Claim 1, from which Claim 9 depends, has been shown above to be patentably distinct from the proposed Hamdi - Smyk combination. Moreover, the Christie patent does not include any additional disclosure combinable with the Hamdi article or Smyk application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 9 is patentably distinct from the proposed Hamdi - Smyk - Christie combination.

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-20.

Applicant respectfully requests a two month extension of time for filing this Response to Examiner's Action. Attached herewith is a Notification of Extension of Time with check to support the request.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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